

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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In the Matter of

Amendment of Section 73.202(b))
FM Table of Allotments,)
FM Broadcast Stations)
(Magnolia, Arkansas and Oil City,)
Louisiana))

DOCKET FILE COPY ORIGINAL Federal Communications Commission
Office of Secretary

MB Docket No. 02-199
RM-10514

To: The Commission

**SUPPLEMENT
TO
APPLICATION FOR REVIEW
OF
ACCESS.1 LOUISIANA HOLDING COMPANY, LLC**

I. INTRODUCTION

Access.1 Louisiana Holding Company, LLC ("Access.1"), licensee of commercial broadcast radio stations operating in the Shreveport Urbanized Area, pursuant to Section 1.115, of the Commission's Rules, 47 CFR Section 1.115, hereby submits this Supplement to its Application for Review, filed March 25, 2004, in the above-captioned proceeding. Access.1 submits this Supplement to bring to the Commission's attention information regarding a decisionally significant change in the facts before the Commission regarding the deficient service to Oil City currently being proposed by Cumulus Licensing LLC ("Cumulus").¹

¹Cumulus Licensing LLC ("Cumulus") consummated a transfer of control to itself of Columbia Broadcasting Company, Inc. ("Columbia") after grant of the reallocation in this proceeding. Previous pleadings in this proceeding were filed by Columbia. In the STA Request, the licensee is identified as Cumulus. Therefore, all references to the licensee of KVMA-FM will identify the licensee as Cumulus.

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On January 13, 2005, Cumulus filed a Request for Special Temporary Authority in which Cumulus proposes admittedly “deficient service” to Oil City. This is further evidence that Access.1’s Application for Review should be granted and that the requested reallocation should be denied.

II. THE CUMULUS STA REQUEST WILL RESULT IN UNSPECIFIED DEFICIENT SERVICE TO KVMA-FM’S COMMUNITY OF LICENSE

In its Application for Review, Access.1 demonstrated that the principal issue to be decided by the Commission in this proceeding is whether it is in the public interest to allow Cumulus to obtain a reallocation of a frequency from a rural community 65 kilometers (40.4 miles) away, to serve 100% of the Shreveport Urbanized Area. Access.1 showed that the Commission must decide, even if it might otherwise be in the public interest to allow such a reallocation, whether it is in the public interest to allow Columbia to do so through misrepresentation and lack of candor, as Cumulus has done here. And finally, Access.1 showed that the Commission must determine whether the Commission should change its policy and procedures regarding reallocations to avoid abuse of the reallocation process.

In its Application for Review, Access.1 demonstrated that, although Cumulus requested reallocation of the KVMA-FM frequency to Oil City, it was clear from the application for construction permit filed by Cumulus, that the actual purpose of the reallocation was to move the frequency to serve 100% of the Shreveport Urbanized Area. The STA Request filed by Cumulus on January 13, 2005, demonstrates additional evidence of the lack of intent of Cumulus to serve Oil City, and its true purpose of providing service to Shreveport.

In its STA Request, Cumulus requests special temporary authority to operate on Channel 263, frequency 100.5 MHz, rather than its authorized Channel 300, frequency 107.9 MHz. Cumulus explains that, by letter dated January 12, 2005, the Commission ordered KVMA-FM to discontinue operations immediately, because its operation at Channel 300 caused objectionable interference to navigational equipment at Barksdale Air Force Base.

Cumulus asserts in its STA Request that the operation proposed in its STA Request is the proposal with the least overlap to other stations. However, in its engineering exhibits submitted with its STA Request, Cumulus provides no specific information on the effect of its proposed operation on service to Oil City. Cumulus provides only the vague statement by counsel that:

Cumulus also recognizes that the proposed service to Oil City, Louisiana, the community of license will be deficient. However, there is no other alternative for achieving a better signal to Oil City from the existing transmitter site and the alternative is no service at all to Oil City.

STA Request at 2, attached hereto as Exhibit 1.

This vague statement regarding the effect on service to Oil City is too uninformative to allow the Commission to take any action on the STA Request, and further demonstrates the complete disregard for service to Oil City on the part of Cumulus. The STA Request asserts that this is the best service that can be provided to Oil City from the current antenna site. What the STA Request does not address is:

1. What is the nature and extent of the "deficient service" to Oil City?
2. What is the signal strength of the deficient service to Oil City and what portions of Oil City are affected?
3. Are there any antenna sites available on a short-term basis that will allow greater service to Oil City, even if it means less coverage of Shreveport?

4. How long will Oil City experience this deficient service?
5. Is there any reasonable expectation that the deficient service to Oil City ever will be rectified?

The complete failure of the STA Request to even address these critical questions regarding service to the proposed community of license of KVMA-FM lends strong additional support to the position taken by Access.1 throughout this proceeding that the allotment request presented here is nothing more than a thinly disguised effort to obtain a reallocation of the Magnolia, Arkansas frequency to the Shreveport Urbanized Area. For this reason, the Commission should review the reallocation requested in this proceeding, deny it, and return Channel 300 to Magnolia, Arkansas.

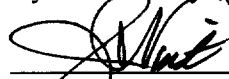
III. CONCLUSION

Access.1 requests, that the Commission consider the evidence reflected in the Cumulus STA Request, along with the evidence previously provided to the Commission in Access.1's Application for Review, reverse the Bureau's decision, and return the Channel 300C1 allotment to Magnolia, Arkansas.

Respectfully Submitted,

ACCESS.1 LOUISIANA HOLDING COMPANY, LLC

By its Attorneys,



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January 13, 2005

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
Media Bureau
P.O. Box 358195
Pittsburgh, Pennsylvania 15251-5195

Re: **Request for Special Temporary Authority**
Cumulus Licensing LLC
Station KVMA-FM, Oil City, Louisiana
Facility Identifier Number: 12414

Dear Ms. Dortch:

Transmitted herewith on behalf of Cumulus Licensing LLC ("Cumulus"), licensee of Station KVMA-FM, Oil City, Louisiana, is its Request for Special Temporary Authority ("STA") filed pursuant to Section 73.1635 of the Commission's Rules. By letter issued January 12, 2005, the FCC has ordered the station to discontinue operations immediately due to interference to navigational equipment at Barksdale Air Force Base. The circumstances which led to this extraordinary action are well known to the Media and Enforcement Bureaus and are not repeated here but Cumulus would be pleased to provide the details as requested. Cumulus has undertaken a search of all 80 commercial channels to determine if there is another frequency that can be used on a temporary basis to reestablish broadcast operations while it searches for a permanent solution. The channel with the least amount of overlap to other stations is Channel 263.

The technical specifications of the proposed KVMA-FM temporary operations are presented below.

Antenna Coordinates:

32 degrees, 29 minutes, 36 seconds North Latitude

93 degrees, 45 minutes, 55 seconds West Longitude

Effective Radiated Power: 0.65 kiloWatts

Height above main sea level: 216 meters

Height above average terrain: 163 meters

Antenna Structure Registration Number: 1209322

This facility would use the existing diplex antenna at the station's current site and at the current antenna height above average terrain.

The attached interfering and protected contour overlap exhibits show that there is no interference caused to any other station except Station KRMD-FM on 3rd adjacent channel 266. As the attached Engineering Statement demonstrates, the overlap area to KRMD-FM's protected contour is extremely

Marlene H. Dortch, Esq.

January 13, 2005

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small with no population. Cumulus is the licensee of Station KRMD-FM and is willing to accept interference to this station on a temporary basis. Cumulus also recognizes that the proposed operation on Channel 263 will result in received interference to Station KVMA-FM. Due to the extraordinary circumstances surrounding the Commission's order to terminate operations for this station, the need to reestablish operations as quickly as possible, the unavailability of any other channel with fewer interference problems and the temporary nature of this authorization, Cumulus requests that the Commission allow the station to operate with received overlap.

Cumulus also recognizes that the proposed service to Oil City, Louisiana, the community of license will be deficient. However, there is no other alternative for achieving a better signal to Oil City from the existing transmitter site and the alternative is no service at all to Oil City.

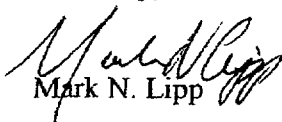
Cumulus assures the Commission that it is actively working with the Department of the Air Force, the Federal Aviation Administration, the FCC's New Orleans Field Office, Barksdale Air Force Base, its own private consultants and the Media and Enforcement Bureau to develop a long term solution. Cumulus is searching for alternative transmitter sites from which it could operate on 107.9 MHz which will involve cooperation from all parties involved to develop testing procedures. Cumulus is also trying to determine whether equipment changes at Barksdale Air Force Base could result in a permanent solution. Cumulus has been researching and discussing these alternatives for some time already but will actively pursue a solution.

Cumulus is grateful for the Commission's willingness to consider this request on an expedited basis. Cumulus has presented a proposal for temporary authorization which does not adversely affect any other licensee. In view of the exceptional circumstances involved with this request, Cumulus urges the Commission to grant this STA.

A completed FCC Form 159 is enclosed which designates an American Express card account number for payment of the One Hundred Fifty Dollar (\$150.00) required filing fee. An Anti-Drug Abuse Act Certification statement executed by Richard S. Denning, Esq., Vice President, General Counsel and Secretary of Cumulus Licensing LLC, is also included.

If there are any questions about this Request, please contact undersigned counsel for Cumulus Licensing LLC.

Sincerely,


Mark N. Lipp

Enclosures

cc: James Bradshaw, Deputy Chief, Audio Division, Media Bureau, FCC
George Dillon, Enforcement Bureau, FCC

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**Engineering Statement
In Support of a
Request for Special Temporary Authority
KVMA, Oil City, Louisiana**

KVMA hereby requests special temporary authority (STA) to operate on channel 263 (100.5 MHz). The proposed STA will operate at the antenna location and height authorized in the KVMA construction permit BPH20030610ADI. The proposed ERP will be 0.65 kW (H&V).

In examining the spectrum availabilities for the KVMA STA, it appears that this is the best channel available for KVMA. No other stations will receive interference from the proposed facility.

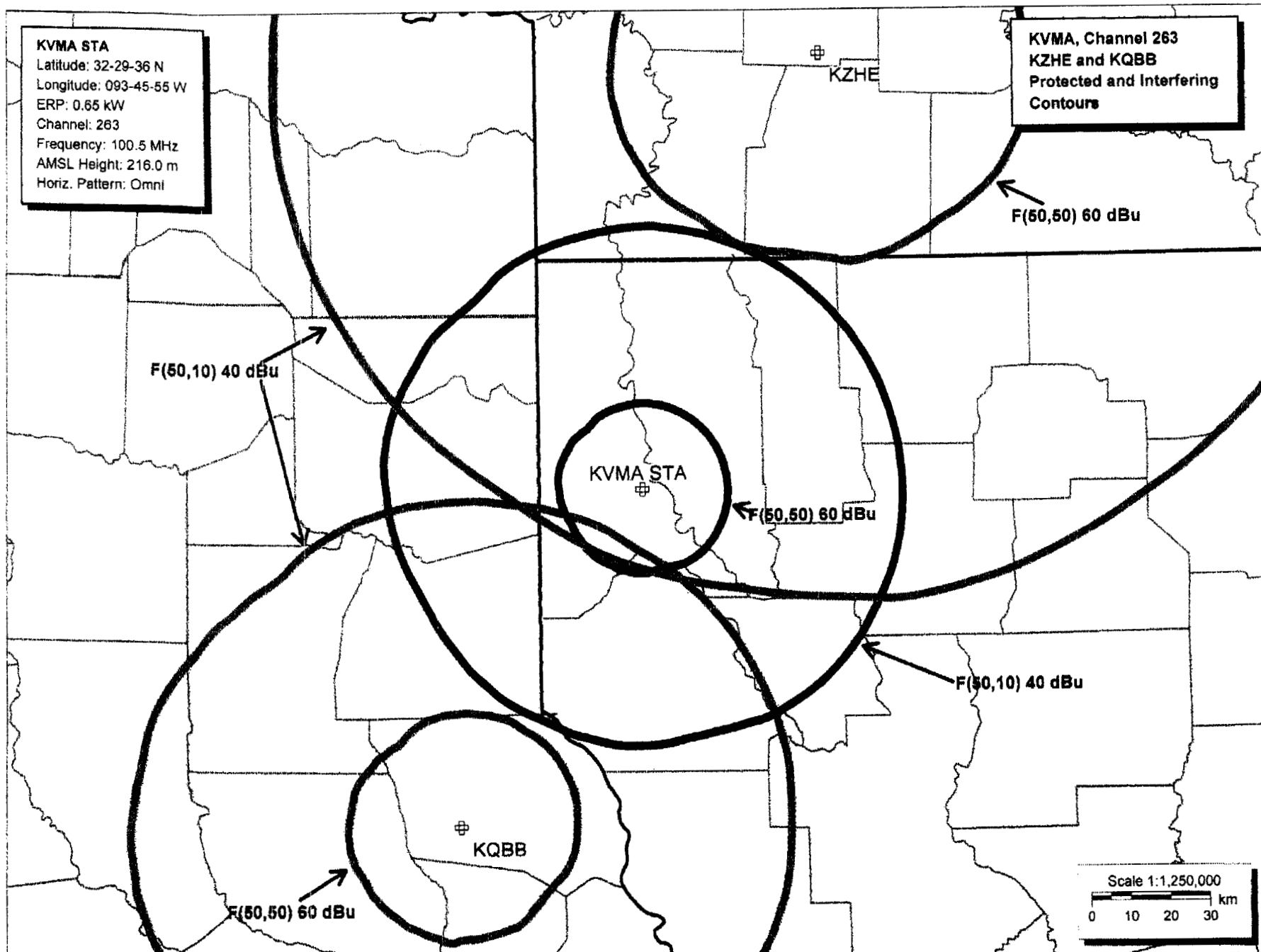
The F(50,50) field strength of KRMD's licensed site at the KVMA tower site is 84.07 dBu. The F(50,10) contour of concern would be the 124.07 dBu contour. That contour extends 110 meters from the KVMA tower site. No population lives within this tiny interference area.

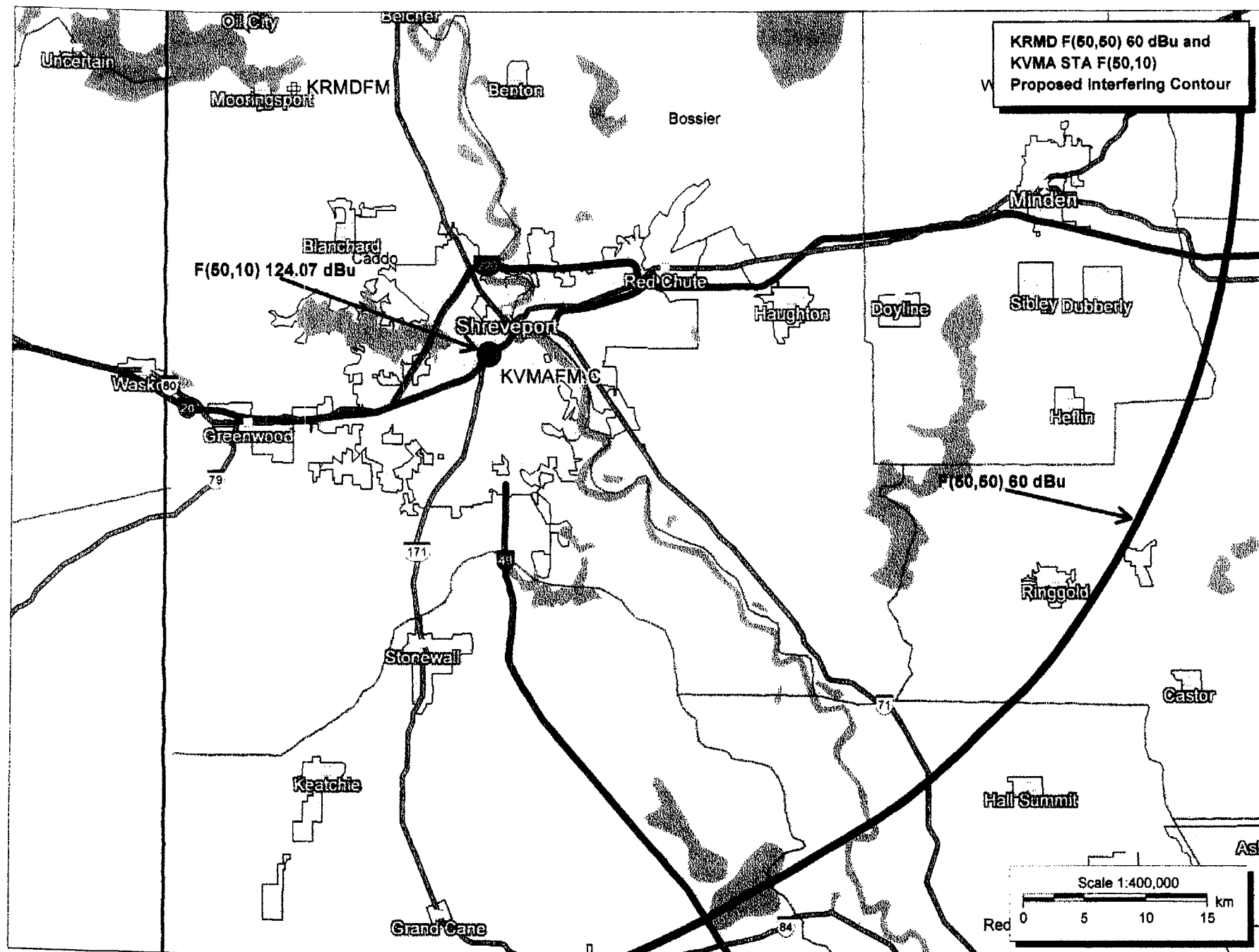
A population study shows that no persons live within the proposed F(50,10) 124.07 dBu contour for KVMA's proposed STA. The attached exhibits show also that KVMA's STA request does not interfere with any other licensed facility.



Lee S. Reynolds

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**Engineering Statement
In Support of a
Request for Special Temporary Authority
KVMA, Oil City, Louisiana**

**KRMD's Predicted Received Signal Level at the KVMA STA Tower Location
[Assuming the FCC F(50,50) Curves at the Propagation Model]**

TAP Single Point Field Study

Azimuth: 143.45° Path Length: 16.48 mi Reverse Az: 323.54°

Predicted Transmission Loss Model

Template Description:

Propagation Model: **Broadcast (Part 73)**

Calculated Field

Free Space Field (dBu): 98.45
Predicted Loss (dB): 14.38
Predicted Field (dBu): 84.07

Results Parameters

Broadcast (Part 73)
TX Ant: 406.00m MSL (345.00m AGL)
Azimuth: 143.448
Channel 266: (50,50) HAAT 336.47 m
TX Antenna Gain: Az 0.00 dB: El 0.00 dB
Free Space Field: (100.000 kW @ 16.479 mi)
Free Space Loss: 96.73 dB (between dipoles)

Output

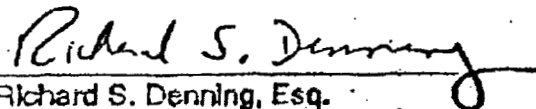
Controls

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of Federal benefits that includes Federal Communications Commission benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of Federal benefits that includes Federal Communications Commission benefits pursuant to that section. For a definition of a "party" for these purposes, see 47 C.F.R. §1.2002(b).

☒ Yes

☐ No



Richard S. Denning, Esq.
Vice President, General Counsel, and Secretary
Cumulus Licensing Corp.
Cumulus Licensing LLC

CERTIFICATE OF SERVICE

I, Kathy Nickens, a secretary in the law firm of Rubin, Winston, Diercks, Harris & Cooke, L.L.P., do hereby certify that the foregoing "Supplement to Application for Review" was mailed this 9th day of February, 2005 to the following:

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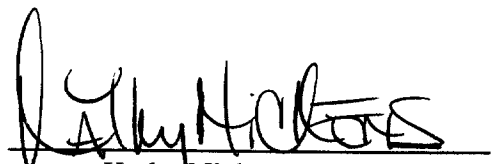
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*Delivered via facsimile

February 9, 2005


Kathy Nickens